

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**V**

**JAMES HERMAN UPTMORE,**

**Defendant.**

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**No.: SA:21-M-00092(2)**

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**DEFENDANT'S MOTION FOR CONTINUANCE**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS:

Now comes the Defendant, James Herman Uptmore, by and through his undersigned attorney, files this Motion to Continue, and would show this Honorable Court as follows:

**I.**

This case is set for an Identity/Preliminary Hearing on February 5, 2021 at 11:30 a.m. Counsel for Defendant request additional time because counsel has a preset medical appointment scheduled for the same day, February 5, 2021 at 12:00 p.m. in New Braunfels, Texas to receive the vaccine for Covid-19. Counsel qualifies for the Covid-19 vaccine due to pre-existing medical conditions. The undersigned respectfully request a 60 (sixty) day continuance.

**II.**

Counsel for the Government, Assistant United States Attorney, Matthew W. Kinskey has indicated that he does not oppose to a continuance.

**III.**

Defendant acknowledges that any continuance granted in this cause is excludable under

the Speedy Trial Act as delay resulting from a continuance granted at the request of defense counsel because the ends of justice served by the continuance outweigh the interest of the public in a Speedy Trial, 18 U.S.C. § 3161(h)(7)(A).

WHEREFORE, PREMISES CONSIDERED based on the above, Defendant prays that the Court allows for this case to be reset for 60 (sixty) days.

Respectfully submitted,

By: /s/ Kimbel L. Brown

KIMBEL L. BROWN

Attorney-at-Law

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Attorney for James Herman Uptmore

### **Certificate of Service**

I hereby certify that a true copy of the above was served on each attorney of record electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Matthew W. Kinskey  
Assistant United States Attorney  
601 N.W. Loop 410, Suite 600  
San Antonio, Texas 78216

/s/ Kimbel L. Brown

KIMBEL L. BROWN

Attorney for James Herman Uptmore

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ORDER ON DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE

On this date came to be considered the Defendant's Unopposed Motion for Continuance, and the Court having considered the premises, is of the opinion that the same should be and is hereby GRANTED.

It is ORDERED that all corresponding deadlines be continued in the above-styled and numbered cause for a period of sixty (60) days.

It is further ORDERED that a new schedule be set by separate order.

The Court finds that, for the reasons set out in the Defendant's motion, the ends of justice served by the continuance granted by this order outweigh the interest of the public in a speedy trial. See U.S.C. § 3161 (h)(7)(A).

SO ORDERED on this the \_\_\_\_\_ day of February, 2021.

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United States Magistrate Judge